

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.) 3:10-CR-0108-LRH (RAM)
)
AGUSTIN GOMEZ,)
)
Defendant.)

PRELIMINARY ORDER OF FORFEITURE

This Court finds that on February 28, 2011, defendant AGUSTIN GOMEZ pled guilty to Count One of a Two-Count Criminal Indictment charging him with Receipt of Child Pornography, in violation of Title 18, United States Code, Section 2252A(a)(2).

This Court finds defendant AGUSTIN GOMEZ agreed to the forfeiture of property set forth in Forfeiture Allegation of the Criminal Indictment.

This Court finds, pursuant to Fed. R. Crim. P. 32.2(b)(1) and (2), the United States of America has shown the requisite nexus between property set forth in the Forfeiture Allegation of the Criminal Indictment and the offense to which defendant AGUSTIN GOMEZ pled guilty.

The following asset are subject to forfeiture pursuant to Title 18, United States Code, Sections 2253(a)(2) and (a)(3):

- (a) Verizon Cellular Droid telephone;
- (b) Play Station 3 Video Game console (Serial no.: CG183593559-CECH-2001A);

- (c) Sony Vaio Laptop Computer (Serial No. 3120598);
- (d) Hitachi LCD Monitor;
- (e) Simpletech ITB External Hard drive (Serial No. 08135421000600030);
- (f) Misc. CDs, Data Disks and DVDs; and
- (g) any book, magazine, periodical, film, videotape, or other matter which contains any such visual depiction, which was produced, transported, mailed, shipped, or received; computer images, including movie and still image files, depicting a minor engaging in sexually explicit conduct and the diskettes and hard drives on which they are maintained.

This Court finds the United States of America is now entitled to, and should, reduce the aforementioned property to the possession of the United States of America.

NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the United States of America should seize the aforementioned property.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED all right, title, and interest of AGUSTIN GOMEZ in the aforementioned property is forfeited and is vested in the United States of America and shall be safely held by the United States of America until further order of the Court.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the United States of America shall publish for at least thirty (30) consecutive days on the official internet government forfeiture website, www.forfeiture.gov, notice of this Order, which shall describe the forfeited property, state the time under the applicable statute when a petition contesting the forfeiture must be filed, and state the name and contact information for the government attorney to be served with the petition, pursuant to Fed. R. Crim. P. 32.2(b)(6) and Title 21, United States Code, Section 853(n)(2).

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a petition, if any, must be filed with the Clerk of the Court, 400 South Virginia Street, Reno, Nevada 89501.

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1 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a copy of the petition, if any,
2 shall be served upon the Asset Forfeiture Attorney of the United States Attorney's Office at the
3 following address at the time of filing:

4 Greg Addington
5 Assistant United States Attorney
6 100 West Liberty Street, Suite 600
7 Reno, Nevada 89501

8 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the notice described herein
9 need not be published in the event a Declaration of Forfeiture is issued by the appropriate agency
10 following publication of notice of seizure and intent to administratively forfeit the above-described
11 property.

12 DATED this 3rd day of March, 2011.

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UNITED STATES DISTRICT JUDGE
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PROOF OF SERVICE

I, Greg Addington, certify that the following individuals were served with copies of the Preliminary Order of Forfeiture on March 1, 2011 by the below identified method of service:

Electronic Filing

Vito R. De La Cruz
Federal Public Defender
201 West Liberty Street - Suite 102
Reno, Nevada 89501
vito_delacruz@fd.org
Counsel for Agustin Gomez

/s/ Greg Addington
Greg Addington
Assistant United States Attorney